

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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PETER MANBECK, et al

05 CIV. 4576 (CLB)(GAY)

Plaintiffs,

- against -

TOWN OF LEWISBORO, et al

**ORDER**

Defendants.  
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Before this Court are various motions dealing with discovery and other pre-trial procedural disputes. The Court has reviewed the extensive submissions from both sides and makes the following determinations.

**I. Plaintiffs Motion to Strike, Dkt # 203**

Plaintiffs' motion is denied. It is obvious to the Court that defense counsels omission of several pages from its motion for summary judgment was both unintentional and without prejudice to the plaintiffs. Indeed, defendants sent the missing pages to both the Court and plaintiffs as soon as the problem was identified.

**II. Defendant Town's Motion to Strike, Dkt # 209**

Defendants' motion is denied. Plaintiffs' minor delays in filing and page overruns did not prejudice defendants in any appreciable manner. Despite some procedural deficiencies, the Court will take the affidavit of Trai M. Chau into consideration.

**III. Defendant Fain's Cross Motion to Strike, Dkt # 214**

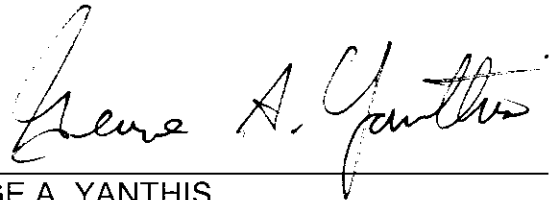
Defendants' motion is denied. Defendants' motion contains essentially the same arguments as those found in Dkt # 209 above and is denied for the same reason.

**IV. Plaintiffs' Request for Judicial Notice, Dkt # 226**

The Court will review the submitted documents and take them into consideration.

SO ORDERED:

Dated: March 4, 2008  
White Plains, New York

A handwritten signature in black ink, reading "George A. Yanthis". The signature is written in a cursive, flowing style. The first name "George" is written with a large, looped 'G'. The middle initial "A." is written with a small 'A' followed by a period. The last name "Yanthis" is written with a large 'Y' and a trailing flourish.

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GEORGE A. YANTHIS  
UNITED STATES MAGISTRATE JUDGE